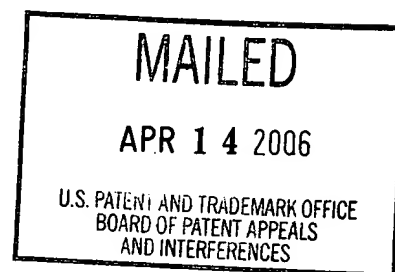# UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte JULIAN SINAI, STEVEN C. EHRLICH, and RAJESH RAGOOBEER

Appeal No. 2005-2278
Application No. 09/412,050

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ON BRIEF

Before RUGGIERO, BARRY, and BLANKENSHIP, *Administrative Patent Judges.*

BARRY, *Administrative Patent Judge.*

A patent examiner rejected claims 1-70. The appellants appeal therefrom under 35 U.S.C. § 134(a). We reverse.

I. BACKGROUND

The invention at issue on appeal concerns machine-implemented "voice response." (Spec. at 1.) Voice response systems enable a machine (e.g., a computer) to perform a task on behalf of a human based on a dialog between the human and the machine. For example, voice response systems may allow a consumer to select from menu options, to perform banking or investment transactions, or to book flight reservations via a telephone. (*Id.*)

The appellants have been interested in incorporating voice response technology into the World Wide Web ("Web"). For example, extending the functionality of Web sites to include voice response capabilities could allow users to access "voice-enabled" Web sites, run Web applications, and activate hypertext links via telephonic speech. They have also been interested in enabling speech applications maintained on non-Web platforms to access data on Web sites. (*Id.* at 3.)

Accordingly, the appellants have invented a computer-implemented design tool that allows a user to graphically create an operational link between a Web page and a speech object that defines a spoken interaction between a person and a machine. The tool may be part of an integrated package that also includes a tool for allowing the user to graphically create a dialog flow. Employing the tool, assert the appellants, a user can create a link between a property of a speech object and a field of a Web page to voice-enable the Web page or to enable a speech application to access data from the associated Web site. (*Id.* at 4.)

A further understanding of the invention can be achieved by reading the following representative claim.

> 1. A computer-implemented graphical design tool configured to allow a
> user of a computer system to graphically create an operational link

between a hypermedia page and a component defining a spoken dialog interaction between a person and a machine.

Claims 1-70 stand rejected under 35 U.S.C. § 103(a) as obvious over U.S.

Patent No. 6,173,266 ("Marx") and U.S. Patent No. 6,141,724 ("Butler").

II. OPINION

Rather than reiterate the positions of the examiner or the appellants *in toto*, we

focus on the main point of contention therebetween. The examiner makes the following

assertions.

> Marx teaches that graphical links for designing interactive speech
> applications (figure 7) are well known and Butler teaches that such
> graphical links (col. 4, lines 17-20) are well known to represent typical
> links from web pages (col. 3, lines 18-60). Thus, the combination clearly
> teaches that it is well known to create operational links between a
> hypermedia page on the Internet (such as a web page, Butler, col. 3) and
> the interactive speech applications of Marx that allow a user to
> communicate with the Internet (Marx, col. 6, line 8).

(Examiner's Answer at 9.) The appellants argue, "Not only does Marx not disclose or

suggest that a dialog module itself can be operatively linked to a Web page or other

hypermedia page (which would be closer to Applicants' invention, if it were disclosed),

but there is not even any hint in Butler or Marx as to why one would want to do this."

(Reply Br. at 2.)

In addressing the point of contention, the Board conducts a two-step analysis. First, we construe the independent claims at issue to determine their scope. Second, we determine whether the construed claims would have been obvious.

A. CLAIM CONSTRUCTION

"Analysis begins with a key legal question — *what* is the invention *claimed?*" *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1567, 1 USPQ2d 1593, 1597 (Fed. Cir. 1987). Here, independent claim 1 recites in pertinent part the following limitations: "allow a user of a computer system to graphically create an operational link between a hypermedia page and a component defining a spoken dialog interaction between a person and a machine." The other independent claims include similar limitations. Accordingly, all the independent claims require operationally linking a Web page and a component that defines a spoken interaction between a person and a machine.

B. OBVIOUSNESS DETERMINATION

"Having determined what subject matter is being claimed, the next inquiry is whether the subject matter would have been obvious." *Ex Parte Massingill*, No. 2003-0506, 2004 WL 1646421, at *3 (Bd.Pat.App & Int. 2004). "In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d

1955, 1956 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d

1443, 1444 (Fed. Cir. 1992)). "'A *prima facie* case of obviousness is established when

the teachings from the prior art itself would appear to have suggested the claimed

subject matter to a person of ordinary skill in the art.'" *In re Bell*, 991 F.2d 781, 783, 26

USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189

USPQ 143, 147 (CCPA 1976)).

Here, Marx's invention "features a computer-implemented method of

constructing an interactive speech application by storing a plurality of dialogue modules

in a speech processing system, wherein each dialogue module includes computer

readable instructions for accomplishing a predefined interactive dialogue task in an

interactive speech application." Col. 3, ll. 27-33. "In response to user input, a subset of

the plurality of dialogue modules are selected to accomplish their respective interactive

dialogue tasks in the interactive speech application and are interconnected in an order

defining the call flow of the application, and the application is generated." *Id.* at ll. 33-

38.

"FIG. 3 [of the reference] is a block diagram that illustrates . . . a computer

system 300 upon which an embodiment of [Marx's] invention may be implemented."

Col. 5, ll. 21-24. The implementing computer system includes a network link 322 that

can be used to "provide[ ] data communication services through the world wide packet

data communication network now commonly referred to as the 'Internet' 330."

Col. 6, ll. 6-8. While the computer system 300 can connect to the Internet 330, we

agree with the appellants that Marx's "mere general disclosure of Internet connectivity

cannot be read to suggest creating operational links between a [Web] page and,"

(Appeal Br. at 7), the reference's dialogue modules. "[T]hat is not the purpose of Marx's

system." (*Id.*)

For its part, Butler "relates to designing a telephony application on a client

remote from a telephony server using an internet connection." Col. 1, ll. 5-6. "Server

hardware 10 is connected to client hardware 12 via a network 14 such as the [I]nternet

(as shown in FIG. 1)." Col. 2, ll. 66-67. "A user wish[ing] to design a telephony

application 34 on his PC 12 for a call handler 28 running on [the] remote server 10.

The user runs the web browser 38, connects to the web page stored by the server 10

and requests 60 the application designer JAVA applet 32." Col. 4, ll. 54-58. "The

applet is downloaded 62 from the server 10 to the PC 12 and executed. The object

representations 40B are downloaded 64 as part of the application designer 32 or as

and when needed in the application design. The user then designs 66 an

application 36 using the cursor and mouse to select, deselect, create and edit

icons 40C." *Id.* at ll. 61-67. "The user then selects . . . icons and creates a link

between them thereby joining the icons graphically as in FIG. 3 and also creating a

connection between the two object representations." Col. 5, ll. 11-14. Butler does not,

however, create links between the icons and a Web page.

Absent a teaching or suggestion of operationally linking a Web page and a

component that defines a spoken interaction between a person and a machine, we are

unpersuaded of a *prima facie* case of obviousness. Therefore, we reverse the

obviousness rejection of claims 1-70.

III. CONCLUSION

In summary, the rejection of claims 1-70 under § 103(a) is reversed.

REVERSED

JOSEPH F. RUGGIERO)
Administrative Patent Judge)
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) BOARD OF PATENT
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